IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 4251 of 2004 (O&M)
Date of Decision: 01.12.2006

Lal Singh ...Appellant

Versus

Harnam Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Arun Jain, Advocate, and Shri Amit Jain, Advocate, for the appellant.

Shri P.S. Bhangu, Advocate, for the respondents.

HEMANT GUPTA, J.

Defendant-Lal Singh is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the suit filed by the plaintiffs for permanent injunction restraining the defendants from interfering in land measuring 37 kanals 19 marlas, was decreed.

According to the plaintiffs, the plaintiffs along with the defendants are co-sharers of the land measuring 113 kanals 6 marlas and the plaintiffs are in possession of land measuring 37 kanals 19 marlas. The remaining land is in possession of the defendants. The plaintiffs have sought to protect possession in respect of the aforesaid land in their possession.

Both the Courts have returned concurrent findings of fact on the basis of revenue record i.e. the Jamabandis for the years 1975-76,

1980-81, 1985-86 etc. wherein the plaintiffs are recorded as co-owners of the total land and in exclusive possession of the land measuring 37 kanals 19 marlas. Since in the revenue record, exclusive possession of the plaintiffs over the land measuring 37 kanals 19 marlas is recorded, the plaintiffs are entitled to protect their possession in respect of the said land, subject to determination of the rights in the partition proceedings.

The aforesaid finding cannot be said to be suffering from any patent illegality or irregularity, which may raise any substantial question of law in the present appeal.

Hence, the present appeal is dismissed.

01-12-2006 (HEMANT GUPTA)
ds JUDGE